

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING
239 Causeway Street, Room 417A
Boston, MA 02114**

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, March 11, 2015**

Board Members Present

S. Kelly, CNP, Chair
K. Gehly, CNP, Vice Chair (in at 9:15 a.m.)
A. Alley, RN
M. Beal, CNM
J. Killion, LPN
B. Levin, RN
A. Peckham, RN
C. Simonian, PharmD, RPh
S. Taylor, RN
C. Tebaldi, CNP
C. Urena, LPN

Board Members Not Present

P. Gales, RN
E. Richard Rothmund, Public Member

Staff Present

R. Harb, RN, Executive Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
V. Berg, Chief Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
D. M. DeVaux, RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
K. Fishman, Probation Monitor
K. Keenan, Licensing Coordinator
V. Iyawe, RN, SARP Coordinator
S. Sherman, RN, MPRS & Probation Coordinator
C. Silveira, RN, Assistant Director for Policy and Research
M. Strachan, JD, Board Counsel (in at 9:20 a.m.)
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Program Coordinator

Staff Not Present

Guests

See attached list.

TOPIC:

Call to Order, Introductions & Determination of Quorum

DISCUSSION:

M. Campbell introduced J. Scranton, the newest compliance officer and welcomed back E. Sandler who will be helping with nursing cases temporarily. A quorum of the Board was present.

ACTION:

At 9:10 a.m., S. Kelly, Chairperson, called the March 11, 2015 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by M. Beal, and unanimously passed to approve the agenda as presented.

TOPIC:

Approval of Board Minutes for the January 14, 2015 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None

ACTION:

Motion by C. Simonian, seconded by J. Killion, and unanimously passed to accept the Minutes of the January 14, 2015, Regularly Scheduled Board Meeting.

TOPIC:

Reports

A. Executive Director's Report

B. Staff Report

1. Deputy Executive Director
2. Policy and Research
3. Practice
4. Education
5. Complaint Resolution
6. SARP
7. Probation Monitor

DISCUSSION:

A. Executive Director's Report: Members reviewed R. Harb previously distributed report

B. Staff Reports:

1. None.
2. Members reviewed Ms. Silveira's previously distributed memo.
3. Members reviewed Ms. Talarico's previously distributed memos. Ms. Talarico noted that in ANA issued a new position statement that supports Nurse delegation of certain nursing activities to attendants of people who are disabled. This position is complemented by ANA's *Principles for Delegation to Unlicensed Assistive Personnel*. Ms. Talarico mentioned that the Advisory Committee on Immunization Practices (ACIP) 2015 immunization schedules for persons age birth through 18 years and for those over 18 are available on the Centers for Disease Control and Prevention website. In addition, Massachusetts Coalition of Nurse

Practitioners along with the Massachusetts Association of Nurse Anesthetists filed *An Act to Remove the Restrictions on the Licenses of NPs and CRNAs as Recommended by the Institute of Medicine and the Federal Trade Commission* (HD 2782/SD 311). Ms. Talarico also noted that the Substance Abuse Prevention and Treatment Task Force (SAPTTF), developed at the direction of the Massachusetts Hospital Association (MHA) Board, has issued a guideline for opioid prescribing practices within hospital Emergency Departments.

4. Members reviewed K. Ashe's previously distributed memo. Members were provided an update on the NCSBN Education Consultant Call discussion regarding internationally educated nurses and related issues. NCSBN in the process of develop a resources manual for all Boards on best practices and templates for review of non-US educated applicant credential's. A reminder and extension provided by NCSBN for Board members to register for the Spring 2015 Member Board Review. Ms. Ashe provided an update on the status of the National League for Nursing, (NLN) Nursing Education Accreditation (CNEA) standards and criteria as the NLN prepares to launch a new accreditation program. At this time the NLN CNEA will not be able to provide programs with Title IV gatekeeper services
- 5.
6. Members reviewed V. Iyawe's and D.M. DeVaux's previously distributed SARP report.
- 7.
- 8.

ACTION:

A. & B. Motion by C. Urena, seconded by B. Levin, and unanimously passed to accept the reports.

TOPIC:

Consensus Agenda

PARTS 1 and 2

A. NCSBN Update

B. Coalition for the Prevention of Medical Errors Update

DISCUSSION:

- A. Members reviewed Ms. Talarico's previously distributed NCSBN Updates. Ms. Talarico noted that, after a decade of nurse shortage projections, HRSA is now predicting a surplus due to a sharp increase in the number of new nurse graduates over the last decade, from 68,759 in 2001 to more than 155,000 in 2013. In addition, according to a new report from the National Patient Safety Foundation's (NPSF) Lucian Leape Institute, a health care system that embraces transparency, the free uninhibited flow of information that is open to the scrutiny of others, will produce safer care, better outcomes and more trust among all involved parties. Also, according to the American Association of Nurse Practitioners (AANP), the number of licensed NPs in the U.S. has nearly doubled over the past 10 years.
- B. Members were provided copies of the MA Coalition for the Prevention of Medical Errors December 2014 minutes and the January 2015 and February 2014 reports.

ACTION:

A. Accepted by consensus

B. Accepted by consensus

TOPIC:

Proposed Technical Corrections To 244 CMR 4.06(1)(C) and 244 CMR 4.06(1)(D)

DISCUSSION:

11 Mar 15 Regular Minutes.doc
(Approved 05/13/15)

Members reviewed V. Berg's previously distributed memorandum. V. Berg requested that the Board review and consider the provisions at 244 CMR 4.06(1)(c), effective August 1, 2014, and determine whether the language therein was intended or error. Specifically, the phrasing "and which specify the parameters for dosage, strength, route of administration and dose interval" reflects, but incompletely, the text of relevant guidance issued by the Drug Control Program concerning administration of controlled substances by certified registered nurse anesthetists who do not obtain a Massachusetts controlled substances registration. Specifically, the phrasing in 244 CMR 4.06(1)(c) includes some, but not all elements, identified within the Drug Control Program guidance. V. Berg further requested that the Board review and consider the provisions at 244 CMR 4.06(1)(d), which reference a non-existent statutory citation, M.G.L. c. 94C, §80H. V. Berg offered suggestions for technical corrections to these provisions, but noted that at the present time, the Secretary of Administration and Finance had called for a "pause" in regulatory filings.

ACTION:

Motion by C. Simonian, seconded by M. Beal and unanimously passed to adopt and authorize the recommended actions as set forth in the memorandum: (1) that the Board identify the inclusion of "and which specify the parameters for dosage, strength, route of administration and dose interval" in 244 CMR 4.06(a)(c) as error, and authorize filing a technical correction to remove this phrasing, and (2) that the Board identify the citation M.G.L. c. 94C, §80H in 244 CMR 4.06(1)(d) as error, and authorize filing a technical correction to replace this citation with "pursuant to M.G.L. c. 112, §80H."

TOPIC:

2014 NCLEX Performance Statistical Reports

- A. Candidates applying for MA License by exam
- B. Pass rate trends for MA first time writers
- C. BRN-approved program performance (first-time writers RN)
- D. BRN-approved program performance (first-time writers PN)

DISCUSSION:

Members reviewed Ms. Ashes' previously distributed reports.

ACTION:

Motion by Susan Taylor, seconded by Barbara Levin, and unanimously passed to accept the 2014 NCLEX Performance Statistical Reports.

TOPIC:

EDUCATION

PART 1

- A. 244 CMR 6.04(1)(c) & (1)(f) Administrative Change, Northern Essex Community College, AD-RN and Practical Nurse Programs
- B. 244 CMR 6.05(3)(b): Continuation of Full Approval based on 2014 Annual Reports Staff report
 - 1. Staff report and recommendations
 - 2. Annual Report Data Summary
 - 3. Student Numbers (admissions, graduates, and enrollments)
 - 4. Student Numbers 5-year variance
 - 5. 244 CMR 6.06 Survey Schedule
- C. 2014 NCLEX performance evaluation by program
- D. Medical Professionals Institute, Former Student Complaint

PART 2

- A. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes
 - 1. Assabet Valley Regional Vocational
 - 2. Middlesex Community College
 - 3. MassBay Community College, Practical Nursing Program
 - 4. Mildred Elley, Practical Nursing Program
- B. Proposed Revisions, Education Policy 99-03

DISCUSSION:

PART 1

- A. Members reviewed Ms Ashes' previously distributed memo. In addition, Ms. Ashe clarified that Ms. Hillson has been appointed as the administrator of both the AD-RN and PN programs at Northern Essex Community College.
- B. Members reviewed Ms. Ashes' previously distributed reports. Ms. Ashe highlighted increased enrollments, and graduates among generic master degree numbers and a 5-year increase of 23% in Baccalaureate prepared nurses. Practical nurse admissions, graduates and enrollment has increased at one year and at 5 year s.
- C. Members reviewed Ms. Ashes' previously distributed memo regarding program recommendations for 2014 NCLEX performance evaluations.
- D. Members reviewed Ms. Ashes' previously distributed memo regarding a complaint involving the Medical Professionals Institute by a former student.

PART 2

- A. Members reviewed Ms Ashes' previously distributed memo. In addition, Ms. Ashe noted that Dr. Collins's appointment as administrator of the Practical Nurse Program, MassBay Community College, is in addition to her role as administrator of the MassBay Community College AD-RN program.
- B. Members reviewed Ms. Silveira's previously distributed memo which noted the following proposed Education Policy 99-03 amendments: new policy title and purpose statement; creation of new sections related to definitions cited in 244 CMR 6.01, Nursing Education Coordinator (NEC) role and responsibilities, a board authorization statement, and reporting requirements; the addition of paragraphs 4a and 4b identifying the criteria which will serve as the basis for the NEC finding ongoing compliance with 244 CMR 6.04 contingent on review of an approved nursing education program (Program)'s Annual Report to the Board; the inclusion of a statement that the Program must not be the subject of a pending allegation, inquiry or review by the Board or, if the Program is the subject of a pending allegation, inquiry or review, the Board has already found compliance with 244 CMR 6.04 in connection with the pending matter; the addition of a statement that the NEC is authorized to request clarifying information from a Program's administrator when a 244 CMR 6.07(3) report is submitted with the Annual Report to facilitate evaluation of 244 CMR 6.04 compliance; the addition of a statement that the NEC is not authorized to grant Prerequisite, Initial or Full Approval status or to change a program's approval status to Approval with Warning; and the creation of a new section establishing the process the NEC is authorized to use on receipt of information alleging a violation of 244 CMR 6.00 or alleging action consistent with 244 CMR 6.08(1)(b) through (1)(g).

ACTION:

PART 1

Motion by B. Levin, seconded by A. Peckham, and unanimously passed to:

- A. Find compliance with 244 CMR 6.04(1)© and 6.04(1)(f) in the appointment of Laurie A. Hillson, PhD, CNOR, RN, Director of Nursing Education, (*Program Administrator*), ADN-RN and Practical Nursing Certificate, Northern Essex Community College;
- B. Note that the Full Approval status of all Board-approved programs except Mildred Elley School, Salter College and Westfield State University has been continued under Education Policy 99-03, and that action has been deferred under Education Policy 99-03 for the following programs pending receipt of additional information to clarify the program's 244 CMR 6.07(3) report:
 - Medical Professionals Institute –PN, Program Changes Admission of 10 or more additional students;
 - Endicott College BSN-RN, Program Changes Change in physical facilities/location; and
 - McCann Regional Technical-PN, Program Changes Change in physical facilities/location;
- C. Direct the following programs to submit a written report to the Board by no later than June 15, 2015, addressing the program's evaluation of its 2014 NCLEX performance to identify possible contributing factors and its plan for corrective action:
 - 244 CMR 6.08 (1)(h) Expanded Evaluation of 244 CMR 6.04(1)-(5)
 - Medical Professional Institute-PN
 - Roxbury Community College-PN
 - Bunker Hill Community College ADN- RN
 - Our Lady of the Elms College BSN-RN RN
 - 244 CMR 6.08 (1)(h) Focus Evaluation of 244 CMR 6.04(3)(a)2, (4)(a) and (b), and (5)
 - Curry College BSN -RN
 - Laboure College ADN -RN
 - MCPHS University Accelerated BSN-RN
 - MGH Institute of Health Professions BSN-RN
 - Regis College BSN-RN
 - University of Mass Boston BSN -RN
 - Bay State College ADN-RN to provide a report detailing evaluation processes of improvements and revisions based on the nursing program's 244 CMR 6.08 (1)(h) expanded report submitted November, 2014.
- D. Motion by M. Beale, seconded by J. Killion, and unanimously passed to:
 1. Find that Medical Professional Institute Practical Nursing Program, in compliance with 244 CMR 6.04(3)(a)2, the current policies describing the specific non-discriminatory criteria for withdrawal, readmission and student rights and grievance were published by the Medical Professional Institute during the 2013-2014 academic year; and that there is no evidence to demonstrate that the Medical Professional Institute failed to adhere to its published policies as they related to Ginette Sergile during the 2013-2014 academic year enrollments.
 2. Recommend for the integrity of the nursing program and to provide clarification for potential applicants and enrolled nursing student that the program:
 - a. edit the language included in both the policies of the MPI Catalogue and Student Handbook referencing "Director", "Director of Education", "Director of Nursing", "Director of Education and Nursing" to clarify titles and assigned duties.
 - b. revise the language of the Grade Appeal policy to more clearly identify who/ whom are the contributors and final decision makers regarding a Grade Appeal.
 - c. revise the outcomes of Grade Appeal notification to include all of those in attendance during the review and decision making.
 - d. clarify that the current informal Grievance Policy and Procedure states that the instructor who assigned the failing grade will respond within two business days to a student making an grievance. Edit the statement of outcomes of the student meeting with the instructor

- and the Student Services Coordinator to more clearly state how the instructor/ Student Services Coordinator will respond to the student (written/email) and how a response to an informal grievance will be recorded maintained, and located; and
3. Continue the Full Approval status of the Medical Profession Institute Practical Nurse Program.

PART 2

- A. Ms. Gehly recused herself. Motion by C. Simonian, seconded by C. Urena, and unanimously passed to find compliance with 244 CMR 6.04(1) (c) & (1)(f) in the following appointments:
1. Ernest F. Houle, Superintendent-Director, (*Chief Executive Officer*), Assabet Valley Regional Vocational School District;
 2. Dr. James C. Mabry, President, (*Chief Executive Officer*), Middlesex Community College;
 3. Patti- Ann Collins, DNP, MSN, RN, Director of Nursing, (*Program Administrator*), Practical Nursing Certificate Program, Massachusetts Bay Community College; and
 4. Patricia I. Newman, DHA, MSN, MEd, RN, Department Chair, (*Program Administrator*), Practical Nursing Program, Mildred Elley School.
- B. Motion by S. Taylor, seconded by J. Killion, and unanimously passed to approve amendments to Education Policy 99-03 as proposed.

TOPIC:

Practice

- A. Proposed Revisions to Advisory Ruling 1001: *Management of Patients Receiving Analgesia by Catheter Technique*
- B. Proposed Revision Advisory Ruling 9301: *Peripherally Inserted Central Catheters*

DISCUSSION:

- A. Members reviewed Ms. Talarico's previously distributed memo.
- B. Members reviewed Ms. Talarico's previously distributed memo.

ACTION:

- A. Motion by B. Levin, seconded by S. Taylor, and unanimously passed to:
1. Find no change in the standards of practice related to the management of patients receiving analgesia by catheter technique
 2. Revise AR 1001: *Management of Patients Receiving Analgesia by Catheter Technique* by including:
 - The Board approved standardized reference requiring licensee compliance with all nursing licensure and practice laws and regulations
 - A statement defining the role of the nurse in a management role as one that must ensure the availability of sufficient resources to provide for safe implementation, including, but not limited to organizational policies that provide for:
 - Protocols for assessing and documenting the education and validation for RN initial and continued competency for each activity;
 - Nursing care responsibilities, including, but not limited to patient assessment, monitoring, medication administration, potential complications, and documentation criteria; and
 - Emergency protocols including, but not limited to, immediate, on site availability of emergency equipment, medications and personnel; and
 - Updated references

- B. Motion by B. Levin, seconded by S. Taylor, and unanimously passed to revise Advisory Ruling 9301: *Peripherally Inserted Central Catheters* to enhance guidance to licensees whose practice includes activities related to PICC insertion, maintenance, and withdrawal by including:
- the Board approved standardized reference requiring licensee compliance with all nursing licensure and practice laws and regulations;
 - a statement that the use of a medical device designed to produce visual ECG waveforms for the purpose of determining PICC tip placement is within the scope of practice for a qualified RN;
 - a statement that clarifies the scope of a qualified LPN includes PICC maintenance (e.g., access, dressing changes, and administering solutions and medications); and
 - Updated references
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TOPIC:

Other

A. Board Of Registration In Nursing 2014 Annual Report

B. Probation

1. S. Mattar, RN 230996, NUR-2012-0004 – Request for Termination of Probation

DISCUSSION:

A. Members reviewed the previously distributed report, R. Harb highlighted the major accomplishments listed in the annual report and informed the Board that the next BORN annual report will be a fiscal year report (FY15) to be on a similar timeline as the DHPL annual report. R. Harb thanked Board members and staff for their exceptional commitment to the mission of the Board and recognized that it was because of their efforts and hard work that the Board was able to accomplish so much in 2014.

B.

ACTION:

A. The Board of Registration In Nursing 2014 Annual Report was accepted by the Board

B. Motion by ◇, seconded by ◇, and unanimously passed to ◇.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by C. Simonian, and unanimously passed by roll call vote to go into Executive Session at 10:15 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:15 a.m. to 12:15 p.m.

Recess 10:45 a.m. to 10:55 a.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by S. Taylor, and unanimously passed by roll call vote to go into Adjudicatory Session at 12:20 p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 12:20 p.m. to 12:25 p.m.

Lunch 12:25 p.m. to 1:10 p.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 1:10 p.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 1:10 p.m. to 3:15 p.m.

TOPIC:

Adjournment

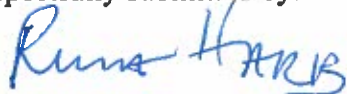
DISCUSSION:

R. Harb asked members to let her know of any anticipated absences for the next 5 Board meetings so she can ensure that the required number of members is present. S. Kelly, S. Taylor and M. Beal will be unable to attend the April 8, 2015 meeting and B. Levin will be unavailable for the May 13, 2015 meeting

ACTION:

Motion by A. Alley, seconded by C. Simonian, and unanimously passed to adjourn the meeting at 3:15 p.m.

Respectfully submitted by:



Rula Harb, MS, RN, Executive Director
Board of Registration in Nursing

Agenda with exhibits list attached

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING**

March 11, 2015

**239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114**

Preliminary Agenda as of 3/5/2015 10:29 AM

Estimated Time	#	A. Item	Exhibits	Presented by
9:00 a.m.	I.	B. CALL TO ORDER, INTRODUCTIONS & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the January 14, 2015 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS A. Executive Director's Report B. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice (Feb, 2015 and March, 2015) 4. Education 5. Complaint Resolution (added) 6. SARP	Revised Report -- Report Reports Reports Report Revised Report	RH -- CS LT KA AF/HC VI/DM
	V.	CONSENSUS AGENDA PART 1 A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update PART 2 A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update	Memo January 2015 Report Memo Dec. 2014 minutes, Feb. 2015 Report	LT LT LT LT
	VI.	PROPOSED TECHNICAL CORRECTIONS to 244 CMR 4.06(1)(c) and 244 CMR 4.06(1)(d)	Memo	VB
	VII.	2014 NCLEX PERFORMANCE STATISTICAL REPORTS E. Candidates applying for MA License by exam F. Pass rate trends for MA first time writers G. BRN-approved program performance (first-time writers RN) H. BRN-approved program performance (first-time writers PN)	Report Revised Report Revised Report	KA KA KA

Estimated Time	#	C. Item	Exhibits	Presented by
	VIII.	EDUCATION PART 1 A. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes B. 244 CMR 6.05(3)(b): Continuation of Full Approval based on 2014 Annual Reports Staff report <ol style="list-style-type: none"> Staff report and recommendations Annual Report Data Summary Student Numbers (admissions, graduates, and enrollments) Student Numbers 5-year variance 244 CMR 6.06 Survey Schedule C. 2014 NCLEX performance evaluation D. Medical Professionals Institute, Former Student Complaint PART 2 A. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes <ol style="list-style-type: none"> Assabet Valley Regional Vocational (CEO) Middlesex Community College (CEO) MassBay Community College, Practical Nursing Program (Program Administrator) Mildred Elley, Practical Nursing Program (Program Administrator) B. Proposed Revisions, Education Policy 99-03	Memo Report Tables Revised Tables Revised Tables Report Revised Memo Memo Memo	KA KA KA KA KA KA KA KA CS
	IX.	PRACTICE A. Proposed Revisions AR 1001: Management of Patients Receiving Analgesia by Catheter Technique B. Proposed Revision AR 9301: Peripherally Inserted Central Catheters	Memo Memo	LT LT
	X.	OTHER C. Board Of Registration In Nursing 2014 Annual Report D. Probation <ol style="list-style-type: none"> S. Mattar, RN 230996, NUR-2012-0004 – Request for Termination of Probation 	Memo Memo	RH KF

10:15 a.m.	XI.	EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status and probation license change. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the January 14, 2015 meeting. 	CLOSED SESSION	
Estimated Time	#	Item		
	XII.	ADJUDICATORY SESSION (M.G.L. c. 30A, § 18)	CLOSED SESSION	
1:00 p.m.		LUNCH		
	XIII.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
4:00 p.m.	XIV.	ADJOURNMENT		